

10888. Adulteration of orange coconut parfait. U. S. v. 53 Cartons * * *
(F. D. C. No. 18686. Sample No. 8131-H.)

LABEL FILED: December 19, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 6 and September 22, 1945, by the G. C. Murphy Co., from McKeesport, Pa.

PRODUCT: 53 cartons, each containing 30 pounds, of orange coconut parfait at Brooklyn, N. Y. Examination showed that the product was moldy and decomposed.

LABEL, IN PART: "Product of Cuba * * * Orange Coconut Parfait Ingredients: Fresh Coconut, Cane Sugar, Corn Syrup, Orange Peel, Edible Starch, Certified Color and Flavor U. S. P."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10889. Misbranding of Date Nut Spread. U. S. v. 62 Cases * * * (F. D. C. No. 17999. Sample No. 36519-H.)

LABEL FILED: October 19, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Western Commerce Corporation, from Los Angeles, Calif.

PRODUCT: 62 cases, each containing 24 1-pound jars, of Date Nut Spread at Seattle, Wash. Examination showed that the product was short-weight and that there were not enough walnuts, the nut ingredient, present to characterize the flavor.

LABEL, IN PART: "Date Nut Spread Royal Palm Brand California Dates * * * Walnuts * * * Net Weight 1 Pound."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Date Nut Spread" was misleading as applied to an article which contained an inconsequential amount of walnuts; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 29, 1945, The National Grocery Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

10890. Adulteration and misbranding of vitamin B complex tablets. U. S. v. S. O. Barnes and Son. Plea of nolo contendere on 2 counts; fine, \$50. Plea of not guilty on 2 counts. Tried to the court. Judgment of guilty; fine, \$400. Total fine, \$450. (F. D. C. No. 15517. Sample Nos. 55525-F, 81779-F, 81994-F.)

INFORMATION FILED: July 30, 1945, Southern District of California, against S. O. Barnes and Son, a partnership, Gardena, Calif.

ALLEGED SHIPMENT: Between the approximate dates of February 22, 1943, and June 22, 1944, from the State of California into the States of Washington and New York.

LABEL, IN PART: "McCollum Vitamin B Complex Tablets * * * Distributed by McCollum Laboratories, Inc. Hollywood, California," or "JXL Vitamin B Complex * * * Prepared for and distributed by John X. Loughran Gardena, Calif."

NATURE OF CHARGE: Count 1, adulteration, Section 402 (b) (1), valuable constituents of the article had been in whole or in part omitted or abstracted therefrom, since the article was represented to contain in 2 tablets 350 International Units of vitamin B₁, 2,000 gamma of vitamin B₂ (G) riboflavin, and 10 milligrams of niacin, whereas it contained in 2 tablets not more than 175 International Units of vitamin B₁, not more than 0.44 milligram (440 gamma) of vitamin B₂, and it contained niacin in amounts ranging from 0.3 to 3.15 milligrams per 2 tablets.

Count 2, misbranding, Section 403 (a), (same lot as involved in count 1) dismissed.